



13

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: JOSH ROGERS, PLANNER II *JR*
(480) 503-6589, JOSH.ROGERS@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: SEPTEMBER 4, 2019

SUBJECT: UP19-33: FIFTH ESTATE TATTOO

STRATEGIC INITIATIVE: Prosperous Community Maintain the mix of unique shopping and recreational opportunities in Gilbert.

RECOMMENDED MOTION

Make the findings of fact and approve UP19-33, a Conditional Use Permit for approx. 2.72 acres located at 384 N. Gilbert Road to allow a tattoo studio in the Heritage Village Center (HVC) zoning district, subject to the conditions.

APPLICANT

Name: Eric Wichterman
Address: 2555 E. Camelback #400
Phoenix, AZ 85016
Phone: 602-224-4471

OWNER

Company: Fifth Estate Tattoo
Name: Alex Horvath
Address: 207 N. Gilbert Rd. #113
Gilbert, AZ 85234
Phone: 480-539-4280
Email: fifthstatetattoo@gmail.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>July 10, 2001</i>	Town Council approved the Heritage District Redevelopment Plan, and GP01-06, an amendment to the General Plan designating the Village Center land use category for this property and the surrounding area.
<i>July 10, 2001</i>	Town Council approved Resolution (GP01-6) amending the land use classification for the Heritage District Redevelopment Plan.
<i>March 3, 2005</i>	The Town Council adopted a revised Zoning Map and Land Development Code (LDC), reclassifying all properties within the Town of Gilbert. The new classification for the subject site is HVC/PAD.
<i>September 25, 2007</i>	Town Council approved a development agreement (Resolution No. 2817) with Heritage Marketplace.
<i>June 19, 2013</i>	Redevelopment Commission approved DR13-05 for Heritage Marketplace overall site plan and final site plan for Phase I.
<i>January 21, 2015</i>	Redevelopment Commission approved DR14-40 for Heritage Marketplace Phase II, Buildings 4 & 5.
<i>August 21, 2019</i>	Redevelopment Commission recommends approval of UP19-33 to the Planning Commission. 3-0 vote.

Overview

Fifth Estate Tattoo is seeking a Conditional Use Permit to relocate from their current location at the Heritage Court Office Condominiums on Gilbert Road and Cullumber Ave. to the Heritage Marketplace on the northwest corner of Gilbert Road and Vaughn Ave.

Fifth Estate Tattoo has been at their current location within Downtown Gilbert for over a decade and is seeking to relocate within the Heritage Marketplace. The proposed location is a suite within the existing Building 4 of the 2.7-acre Heritage Marketplace, next to the existing Clever Koi restaurant. The applicant is not proposing any exterior changes to the existing building other than signage, which will be reviewed separately and not under the Conditional Use Permit.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Utility/Transportation Corridor (U/TC)	Public Facility/Institutional (PF/I)	Powerline Trail and the Vacant
South	Village Center (VC)	Heritage Village Center (HVC)	Heritage Marketplace Building 5
East	Village Center (VC)	Heritage Village Center (HVC) PAD	Heritage Marketplace Phase I
West	Village Center (VC)	Heritage Village Center (HVC)	Public Parking Garage

Site	Village Center (VC)	Heritage Village Center (HVC)	Heritage Marketplace Building 4
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FINDINGS OF FACT

The Planning Commission is ultimately required to make four findings in order to approve a Conditional Use Permit. The findings are listed here, along with the reasons why staff considers that the findings are met in this case. These findings of fact are as follows:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

Staff has determined the proposed use would not be detrimental to the health, safety, or general welfare of the public. All activity is interior to the building with no external activities. The use does not generate any significant noise, odors, dust, or pedestrian or vehicular traffic above what a retail or personal service business might generate nor above what the Heritage Marketplace is designed to accommodate. Furthermore, the proposed use is subject to all applicable state health standards.

Fifth Estate Tattoo has been located at the Heritage Court Office Condominium on Gilbert Road and Cullumber Ave for over a decade and staff did not find any code violation or complaint affecting the health, safety, or general welfare of the public, neighboring businesses, or the neighborhood.

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;

The proposed location for the Fifth Estate Tattoo Studio complies with following General Plan Policies:

- **General Plan Economic Development Policy 1.4** Support the development of public and private resources that encourage collaboration, entrepreneurialism and the innovation of businesses of all sizes.
- **General Plan Economic Development Goal 2.0** - Maintain and broaden the mix of unique shopping, service, hospitality and recreational opportunities in Gilbert to attract and retain local and regional sales and bed tax revenue within the community.

3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and

The proposed location for Fifth Estate Tattoo complies with all applicable Zoning Code requirements, including the following:

LDC 4.5010.A - Separation Requirements - between all Non-Traditional Business Uses.

Minimum separation between any two non-traditional businesses shall be one-thousand (1,000) feet.

- **Complies:** Staff notes the closest “Non-Traditional Business Use” to the proposed location is a Pawn Shop over 3,000 feet north, on Guadalupe and Gilbert Roads.

Tattoo/Piercing Studios shall be separated a minimum of one-thousand three hundred twenty (1,320) feet from any School, Public or Private.

- **Complies:** Staff notes the closest school is the Neely Traditional Academy at Neely St. and Juniper Roads and is approximately 1,900 feet away.

Tattoo/Piercing Studios shall be separated a minimum of five hundred (500) feet from any Day Care Center or Place of Worship.

- **Complies:** Staff did not find any Day Care facility within the 500 feet distance nor the immediate vicinity. The closest place of worship is the Evident Life Church located at 415 N. Gilbert Road and is approximately 600 feet from the proposed location.

LDC 4.5010.B - *Hours of Operation are limited to between 8:00 a.m. and 11:00 p.m.*

- **Complies:** The proposed hours of operation are between 12:00 p.m. and 8:00 p.m.

4. *The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.*

The proposed location of the tattoo studio is in a prominent commercial center within the heart of Downtown Gilbert, an area designed to accommodate a variety of small business activity including Fifth Estate Tattoo. Additionally, a tattoo studio is considered a less intensive use in terms of noise, odors or vehicular traffic than the restaurant that previously inhabited the proposed location. There are not any planned changes to the exterior of the building.

As mentioned above, Fifth Estate Tattoo has been located down the street for over a decade without any complaints from neighboring businesses or the public.

Redevelopment Commission Public Hearing – August 21, 2019

The Redevelopment Commission recommended approval (3-0 Vote) to the Planning Commission of UP19-33 Fifth Estate Tattoo.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff received 4 comment cards from the public in favor of approval during the Redevelopment Commission hearing.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

Make the Findings of Fact and approve UP19-33, a Conditional Use Permit for approx. 2.72 acres located at 384 N. Gilbert Road to allow a tattoo studio in the Heritage Village Center (HVC) zoning district, subject to the conditions:

1. The Project shall be in substantial conformance with the site plan, landscape plan, and elevations/details shown on the Exhibits provided under Attachment No. 4.
2. The Conditional Use Permit shall be for one suite at 384 N. Gilbert Road only.
3. This Conditional Use Permit shall become effective only upon the Town’s Planning staff receiving the specific suite number from the applicant.

Respectfully submitted,



Josh Rogers
Planner II

Attachments:

- 1) Findings of Fact
- 2) Notice of Public Hearing
- 3) Aerial Photo
- 4) Approved Heritage Marketplace Exhibits
- 5) Redevelopment Commission Draft Minutes of August 21, 2019

**FINDINGS OF FACT
UP19-33, Fifth Estate Tattoo**

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Notice of Public Hearing

REDEVELOPMENT COMMISSION DATE:
PLANNING COMMISSION DATE:

Wednesday, August 21, 2019* TIME: 6:30 PM
Wednesday, September 4, 2019* TIME: 6:00 PM

LOCATION: Gilbert Municipal Center, Council Chambers
50 E. Civic Center Drive

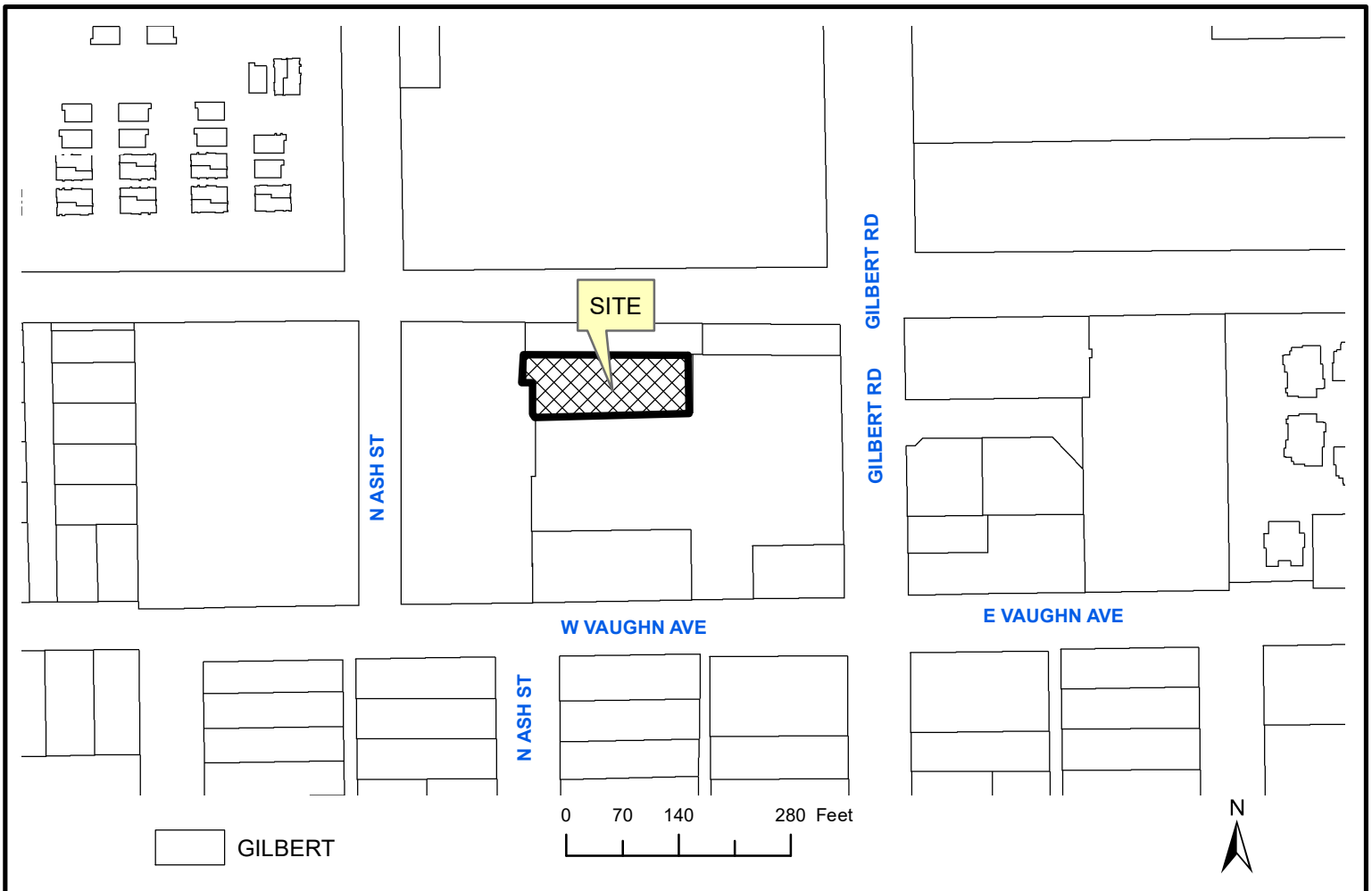
*** Call Planning Department to verify date and time: (480) 503-6589**

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.
Staff reports are available prior to the meeting at <https://www.gilbertdocs.com/gilbertagendaonline> and <https://www.gilbertaz.gov/departments/clerk-s-office/boards-commissions/current-boards/planning->

REQUESTED ACTION:

UP19-33: Request to approve a conditional Use permit for approx. 2.72 acres located at 384 N Gilbert Road to allow a Tattoo Studio in the Heritage Village Center (HVC) zoning district.

SITE LOCATION:



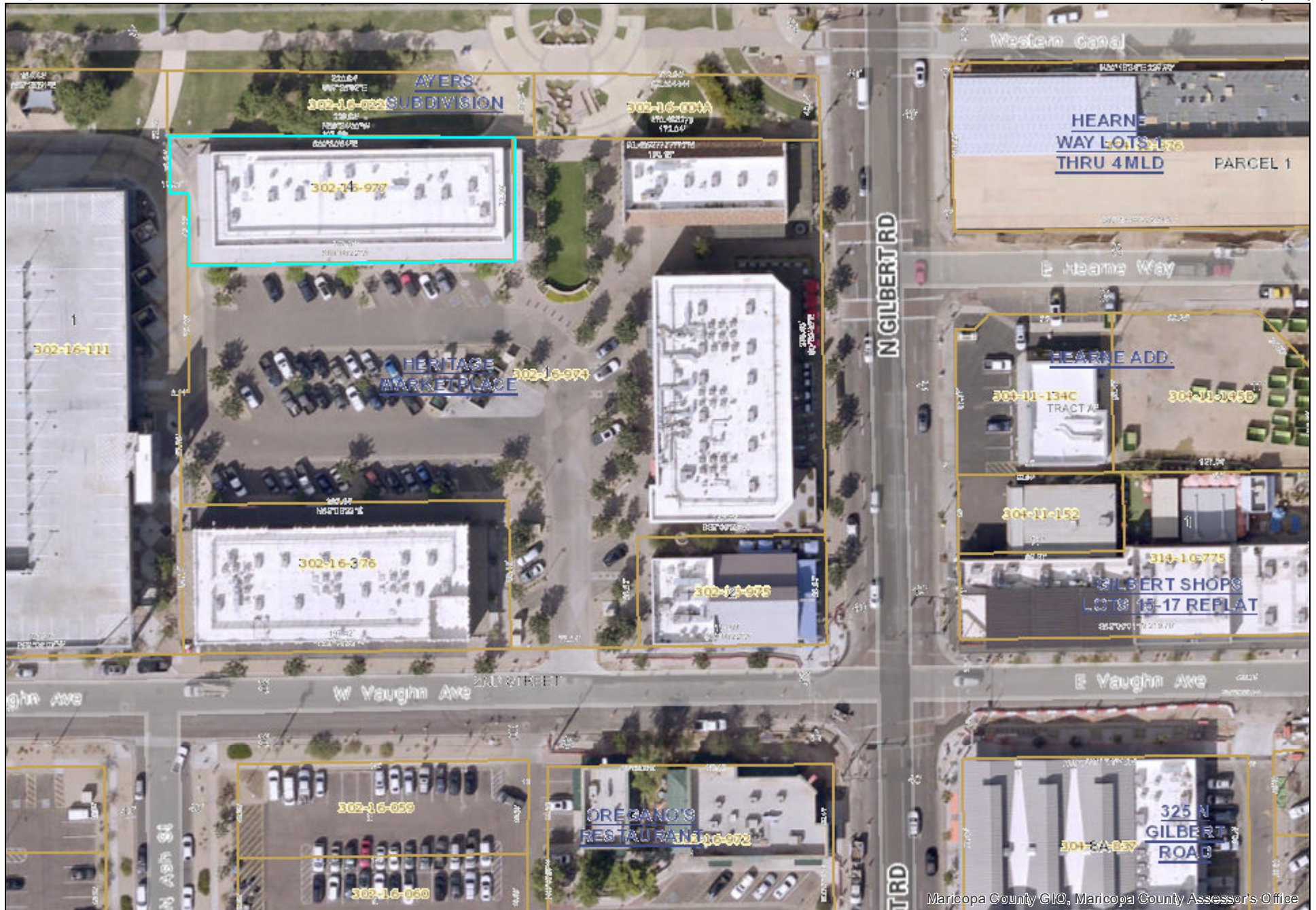
APPLICANT: Fifth Estate Tattoo
CONTACT: Alex Horvath
ADDRESS: 207 N Gilbert Rd #113
Gilbert, AZ 85234

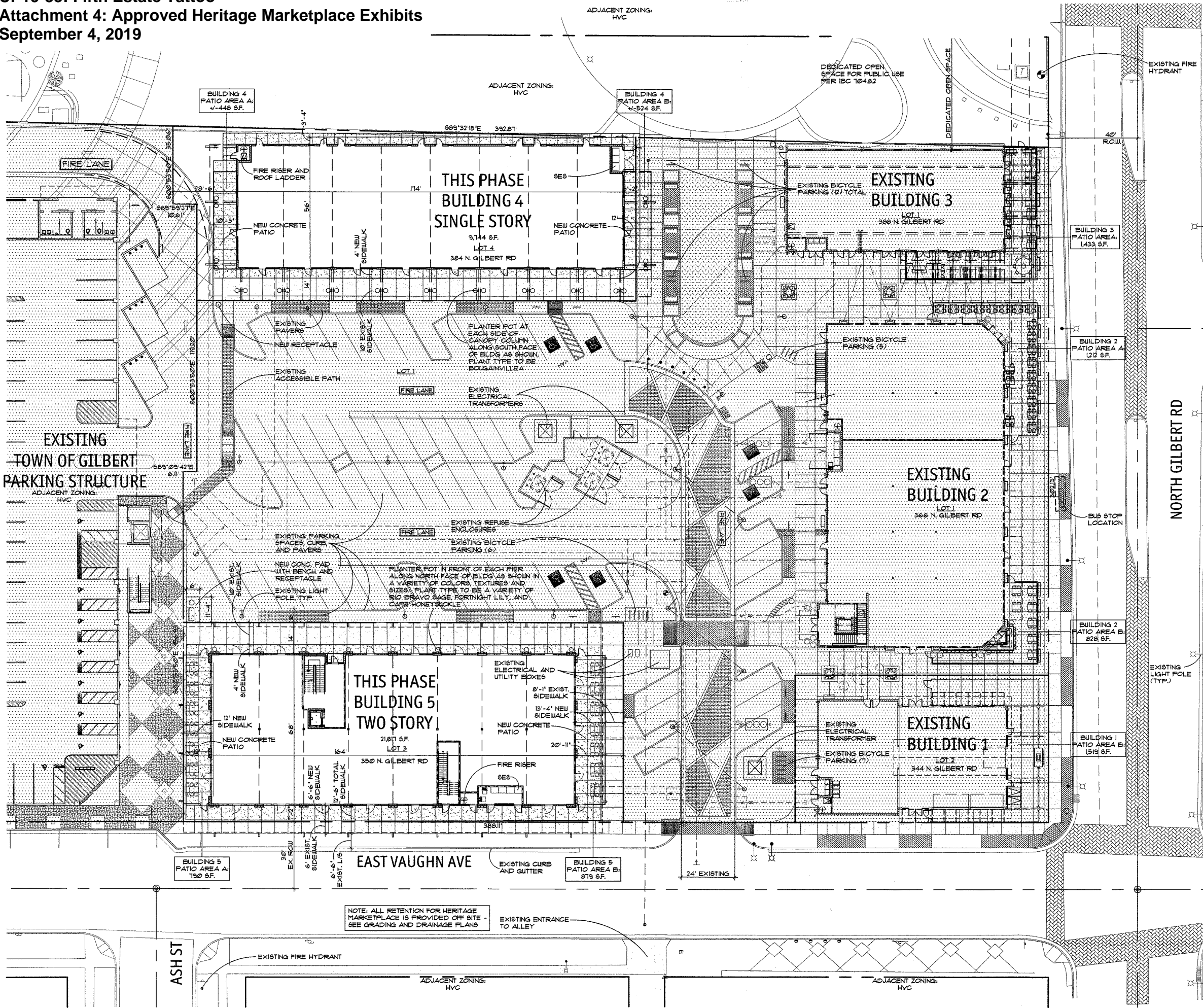
TELEPHONE: (480) 539-4280
E-MAIL: fifthestatetattoo@gmail.com



Map

UP19-33: Fifth Estate Tattoo
Attachment 3: Aerial Photo
September 4, 2019





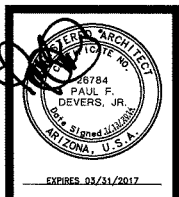
A NEW BUILDING PROJECT
BY:
LGE
HERITAGE
MARKETPLACE

PROJECT:	HERITAGE MARKETPLACE
ADDRESS:	GILBERT, AZ
DEVELOPER:	LGE CORPORATION 740 NORTH 52ND STREET PHOENIX, ARIZONA 85008
SCOPE:	A NEW COMMERCIAL BUILDING
LEGAL DESCRIPTION:	SEE CIVIL
ASSESSOR PARCEL #:	LOT 1: 302-16-974 (PHASE I) LOT 2: 302-16-975 (PHASE I) LOT 3: 302-16-976 (PHASE II) LOT 4: 302-16-977 (PHASE II)
ZONING:	HVC
SITE AREA:	NET +/- 118,481 S.F. (+/- 2.71 ACRES) GROSS +/- 143,389 S.F. (+/- 3.29 ACRES)
BUILDING AREA:	PHASE I BUILDING 1: 4,103 S.F. (1 LEVEL) BUILDING 1 PATIO: 1,519 S.F. BUILDING 2: 22,825 S.F. (2 LEVELS) BUILDING 2 PATIO A: 1,212 S.F. BUILDING 2 PATIO B: 828 S.F. BUILDING 3: 4,500 S.F. (1 LEVEL) BUILDING 3 PATIO: 1,433 S.F. TOTAL BUILDING S.F. PHASE I: 31,428 S.F. TOTAL PATIO S.F. PHASE I: 4,992 S.F. TOTAL BUILDING AND PATIO S.F. PHASE I: 36,420 S.F. PHASE II BUILDING 4: 9,744 S.F. (1 LEVEL) BUILDING 4 PATIO A: 448 S.F. BUILDING 4 PATIO B: 524 S.F. BUILDING 5: 21,817 S.F. (2 LEVELS) BUILDING 5 PATIO A: 790 S.F. BUILDING 5 PATIO B: 879 S.F. TOTAL BUILDING S.F. PHASE II: 31,561 S.F. TOTAL PATIO S.F. PHASE II: 2,641 S.F. TOTAL BUILDING AND PATIO S.F. PHASE II: 34,202 S.F. ALL BUILDINGS: 62,989 S.F. ALL PATIOS: 7,633 S.F. TOTAL BUILDING AREA: 70,622 S.F.
TOTAL BUILDING AREA BOTH PHASES:	70,622 S.F.
STORIES:	MULTI-STORY
LOT COVERAGE:	ALL BUILDINGS: 53.1%
LANDSCAPE AREA:	11,590 S.F.
LANDSCAPE COVERAGE:	9.7%
OCCUPANCY:	B / M / A-2
CONSTRUCTION TYPE:	V-B W/ A.F.E.S.
ALLOWABLE AREA:	36,000 S.F. (SINGLE STORY)
CLEAR HEIGHT:	VARIES
STRUCTURAL DEPTH:	VARIES
SLOPE DEPTH:	1/4" PER 1'-0" MIN.
SCREENING HEIGHT:	50' MAX.
BUILDING HEIGHT:	VARIES

PARKING PROVIDED	
ON SITE SURFACE PARKING - REGULAR	55
ON SITE SURFACE PARKING - ACCESSIBLE	6
DISTRICT PARKING GARAGE - REGULAR	243
DISTRICT PARKING GARAGE - ACCESSIBLE	7
TOTAL PARKING PROVIDED	311
BICYCLE PARKING PROVIDED	30

NOTE: THE PARKING GARAGE WILL PROVIDE +/- 364 SPACES. PER THE DEVELOPMENT AGREEMENT, 250 (243 REGULAR AND 7 ACCESSIBLE SPACES) IN THE PARKING STRUCTURE SHALL BE COUNTED TOWARDS THIS DEVELOPMENT'S REQUIRED PARKING COUNT.

LEGEND	
	PROPERTY LINE
	EASEMENT/SETBACK LINE
	EXISTING 6' EXTRUDED CURB
	EXISTING SITE WALL
	EXISTING SALT FINISH CONC. SIDEWALK
	NEW SALT FINISH CONC. SIDEWALK TO MATCH EXISTING
	PAINT STRIPING ON PAVING
	EXISTING FIRE HYDRANT
	FIRE DEPT. CONNECTION
	PLANTER POTS
	FIRE RISER
	EXISTING SITE WORK TO REMAIN, NOT PART OF THIS SCOPE



**PHASE II
HERITAGE
MARKETPLACE
BLDG 4** 384 NORTH GILBERT RD
BLDG 5 350 NORTH GILBERT RD

N.W.C. OF GILBERT RD & VAUGHN AVE.
CITY
ARIZONA

AV3
design studio
DATE
PRE-APP SUBMITTAL 10-30-2014
PDA SET 11-10-2014
PRE-APP SUBMITTAL - R 11-13-2014
AREA EXHIBIT 11-14-2014
BLANKS MEETING 11-20-2014
DR SUBMITTAL 1-13-2014



The architectural design, conception and data presented herein represents an instrument of service provided in connection with the design build phased development agreement for the exclusive use of LGE Design Build. Any other use or release of these drawings may result in civil damages.

The site plan has been prepared without the benefit of a survey. Depictions may not be accurate or fully reflect all dimensions, data, etc., which may affect the design and usability of this site. All design shown here is strictly conceptual.



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



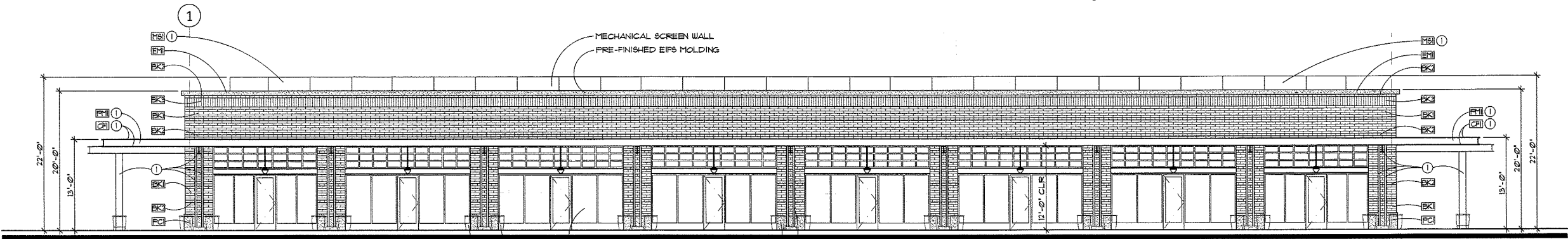
WEST ELEVATION

SCALE: 1/8" = 1'-0"

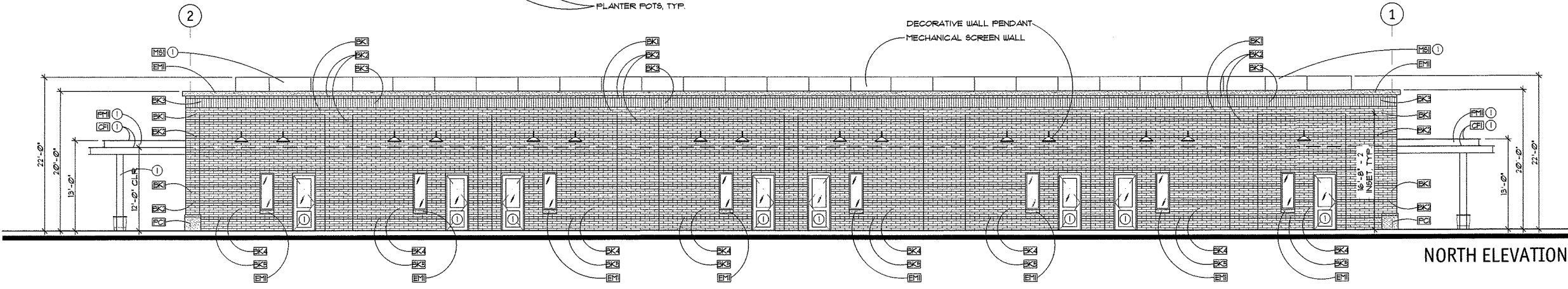


EAST ELEVATION

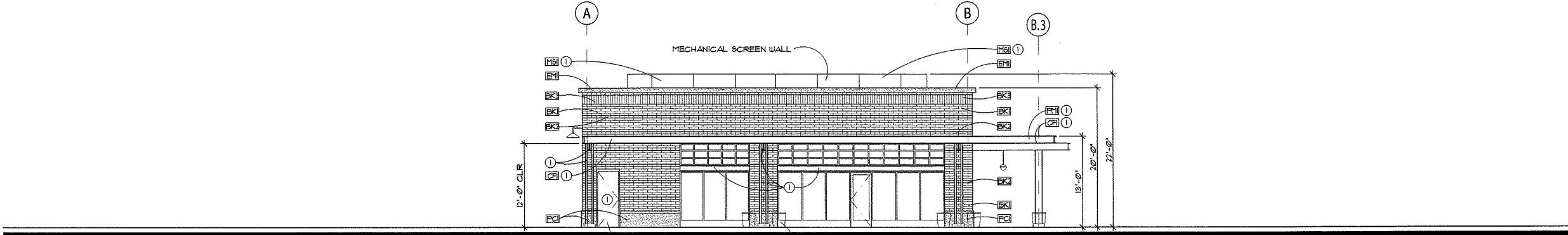
SCALE: 1/8" = 1'-0"



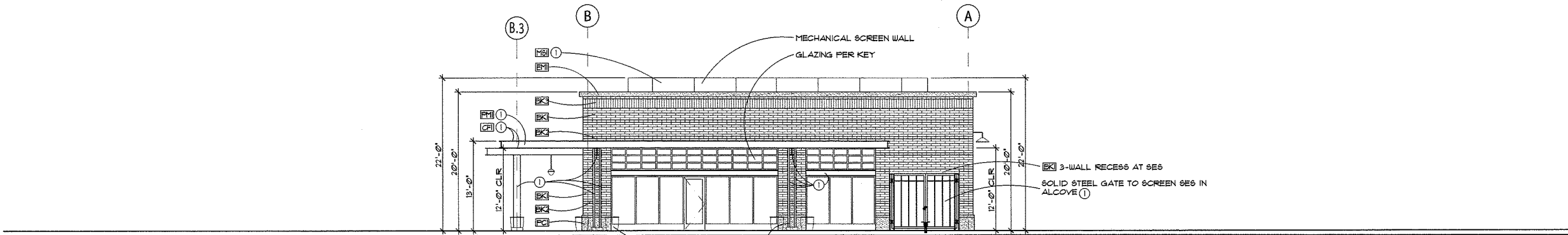
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

GENERAL NOTES

1. SEE STRUCTURAL DRAWINGS FOR LINTEL INFORMATION.
2. SEE DOOR SCHEDULE FOR ROLL UP DOOR HEIGHTS
3. SEE STRUCTURAL DRAWINGS FOR CONTROL JOINT LOCATIONS

MATERIAL SAMPLE APPROVAL

1. PRIOR TO ORDERING, G.C. TO PROVIDE INDIVIDUAL SAMPLES OF ALL BUILDING COLORS AND MATERIALS FOR REVIEW AND APPROVAL BY THE ARCHITECT AND OWNER.
2. ALL INDIVIDUAL SAMPLES TO BE PRESENTED AT ONE TIME, ON-SITE IN SIZES OF NO LESS THAN 12" X 12"

MATERIAL KEY

MATERIAL DESCRIPTION	
QUICKBRICK BRICK CMU 8 X 4 X 16 - FIELD COLOR 'HERITAGE BLEND' BY OLD CASTLE	EX1
QUICKBRICK BRICK CMU 8 X 4 X 8 - ACCENT COLOR 'WILKESBURG BLEND' BY OLD CASTLE	EX2
QUICKBRICK BRICK CMU 8 X 4 X 16 SOLDIER COURSE - ACCENT COLOR 'WILKESBURG BLEND' BY OLD CASTLE	EX3
QUICKBRICK BRICK CMU 6 X 4 X 16 - FIELD COLOR 'HERITAGE BLEND' BY OLD CASTLE	EX4
QUICKBRICK BRICK CMU 6 X 4 X 16 - FIELD COLOR 'WILKESBURG BLEND' BY OLD CASTLE	EX5
PRE-FINISHED EIFS MOLDING TO MATCH CONCRETE VENEER ON BUILDING	EM1
PRE-CAST CONCRETE VENEER 'MESQUITE' WITH ACID ETCH FINISH BY ARISTONE OR EQUAL	PCV

MECHANICAL SCREEN WALL PANELS

MATERIAL DESCRIPTION	
T6-A PANEL - 36" COVERAGE, SEE PLANS FOR FULL SCREEN COVERAGE REQUIREMENTS THICKNESS - 0.032-inch (72 GAUGE), 1 1/2" PANEL HEIGHT FINISH - PVDF 'DARK BRONZE' (50) BY METAL SALES MANUF. CO.	MS1

CANOPY KEY

MATERIAL DESCRIPTION	
CANOPY FRAME - 1" STEEL CHANNEL PAINTED PERFORATED B-DECK, ROUND HOLE, FLAT STEEL, COLD ROLLED, 18 GAUGE, MILL FINISH, 1/4" HOLES ON 18" CENTER, STAGGERED PATTERN, 40% OPEN AREA, PAINTED	CF1
	EM1

GLAZING KEY

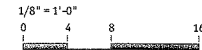
MATERIAL	MATERIAL	COLOR / FINISH
FRAMES	ALUM. BF.	DARK BRONZE ANODIZED
EXTERIOR GLASS		1" INSULATED CLEAR
INSULATED GLAZING SYSTEM SPECIFICATION		
OLDCASTLE - 1" INSULATED GLAZING SYSTEM		
U-FACTOR SUMMER DAYTIME: 0.48		
SOLAR HEAT GAIN COEFFICIENT (SHGC): 0.23		
OUTBOARD: 1/4" PFG SOLARBAN R200(2) ON CLEAR		
AIRSPACE: 1/2" (AIR FILL)		
INBOARD: 1/4" PFG CLEAR		

COLOR KEY

COLOR KEY OR ELEMENT	COLOR NAME	DUNN EDWARDS / COLOR NO.
1	IRON FIXTURE	DE6384
EXPOSED STEEL	1	
SEALANTS	1	
EXT. BLDG LIGHTS	PREFINISHED	
SES	1	
TRANSFORMER	1	

1. SEALANTS FOR PROJECTS TO MATCH ADJACENT MATERIAL COLORS - NO WHITE OR OFF WHITE COLORS
2. PAINTER TO PREPARE MASONRY BLOCK OR OTHER SAMPLES WITH APPROPRIATE COLOR TO BE APPROVED BY THE OWNER PRIOR TO APPLICATION ON BUILDING FACADES
3. PAINTER TO PROVIDE TWO COATS SEALER TO ALL EXPOSED NATURAL BLOCK, PRECAST CONCRETE, UNPAINTED CONCRETE AND OTHER MATERIALS AS REQUIRED TO PROVIDE A WEATHER SEALED PROJECT

EXTERIOR ELEVATIONS



CAWLEY
architects
www.cawleyarchitects.com
730 N. 52nd Street
Suite 203
Phoenix, AZ 85008
602.393.5060

STEREO ARCHITECT
20784
PAUL P. DEYERS, JR.
ARCHITECT
ARIZONA, U.S.A.
EXPIRES: 03/31/2017

PHASE II
HERITAGE
MARKETPLACE
BLDG 4 384 NORTH GILBERT RD
BLDG 5 350 NORTH GILBERT RD

N.W.C. OF GILBERT
RD & VAUGHN AVE.
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design studio

DATE
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PRE-APP SUBMITTAL - R
11-13-2014
AREA EXHIBIT
11-14-2014
BLANKS MEETING
11-20-2014
DR SUBMITTAL
1-13-2014

LGE
DESIGN BUILD
740 N. 52nd St.
Phoenix, AZ
602.966.4001

The architectural design, conception and data presented herein represents an instrument of service provided in connection with the design build phased development agreement for the exclusive use of LGE Design Build. Any other use or release of these drawings may result in civil damages.

The site plan has been prepared without the benefit of a survey. Depictions may not be accurate or fully reflect all dimensions, data, etc. which may affect the design and usability of this site. All design shown here is strictly conceptual.

Project: HMPII
A7.1(4)



① **Material:** Paint
Manufacturer: Dunn Edwards
Color: 'Iron Fixture'
Color Number: DE6384



PC **Material:** Pre-cast Concrete Veneer
Manufacturer: Aristone or Equal
Color: 'Mesquite'
Finish: Acid Etch



BK **Material:** Brick
Manufacturer: Old Castle
Type: Quick Brick
Color: 'Heritage Blend'



BK **Material:** Brick
Manufacturer: Old Castle
Type: Quick Brick
Color: 'Wilkesburo Blend'



FI **Material:** Pre-Finished Storefront
Manufacturer: Arcadia
Color: 'Standard Dark Bronze'
Color Number: AB-7



HERITAGE MARKETPLACE PHASE II 384 N. GILBERT RD, GILBERT ARIZONA

ADDITIONAL MATERIALS

- GL** **Material:** Insulated Glazing
Manufacturer: PPG
Color: 'Clear'
Refer to A7 Building Elevation
Sheets for Glass specification and
12" x 12" sample
- EM** Prefinished EIFS molding to match
concrete veneer on building
- MS** Mechanical Screen Metal Panel
(not seen on rendering)
T6-A panel - 36" coverage
thickness - 0.032-inch (20 gauge),
1 1/2" panel height
finish - PVDF 'Dark Bronze' (50)
by Metal Sales Manuf. Co.
- CFI** Canopy Frame
12" steel channel, painted color ①
- FMI** Perforated B-Decking
round hole, plain steel cold rolled,
18 gauge, mill finish, 1/4" holes on
3/8" centers, staggered pattern,
40% open area, painted color ①

The Artist Rendering & Material Specifications are for conceptual design only and should not be referred to as a construction document - See A7 Building Elevation Sheets for actual specifications



Western Powerline Trail

AVAILABLE
±1,793 SF



GRUBSTAK



4-Level
Parking Garage
(city-owned)

Lo-Lo's
Chicken & Waffles

NICO



LOBBY

POMO
CUCINA & PIZZERIA NAPOLETANA

Zinburger
Wine & Burger Bar
(NOT A PART)

SushiBrokers
Sushi • Bar • Grill

LOBBY

TUFT &
NEEDLE



SUTRA

West Vaughn Avenue

North Gilbert Road

**TOWN OF GILBERT
REDEVELOPMENT COMMISSION
Meeting Minutes of August 21, 2019, 6:30 p.m.
Municipal Building I, Council Chambers
50 E. Civic Center Drive, Gilbert, Arizona 85296**

COMMISSIONERS PRESENT: Tyler Hudgins, Chair
Peter Sciacca
Boe Bigelow (By Phone)

COMMISSIONERS ABSENT: Ryan Hamilton, Vice Chair
Tyler Jones

STAFF PRESENT: Amanda Elliott, Heritage District Liaison
John Baird, Assistant Town Attorney

CALL TO ORDER

The regular meeting of the Redevelopment Commission was called to order by Chair Hudgins at 6:30 p.m.

ROLL CALL

Amanda Elliott called the roll and declared that a quorum was present.

COMMUNICATION FROM CITIZENS

Chair Hudgins opened the floor to the public for any comments or communications on items not on the agenda. The Commission's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

Jamie Hoffman advised the Commission that getting over the railroad tracks in downtown Gilbert is difficult, especially with children in a carriage. He lives west of Gilbert Road and it is hard to cross with children in a bike trailer. He has to take the kids out and detach the trailer in order to cross. It is dark in the area and better lighting would also help. He provided a picture crossing over the tracks in the other direction towards Arizona Wilderness. It does not look like an expensive fix.

ADMINISTRATIVE ITEMS

1. Minutes – Consider Approval of the Minutes for the Meeting of May 15, 2019.

MOTION: Commissioner Sciacca moved to approve the meeting minutes of May 15, 2019, seconded by Commissioner Bigelow. **The motion passed 3-0.**

PUBLIC HEARING

Items will be heard at one Public Hearing at which time anyone wishing to comment on a Public Hearing Item may do so. Comments will be heard from those in support of or in opposition to an item. In order to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission. After the Public Hearing, the Commission may act on all items not requiring additional staff, public, or Commission comment with a single vote.

Chair Hudgins opened the Public Hearing and invited staff to make a presentation on Item 2. UP19-33.

2. UP19-33 FIFTH ESTATE TATTOO: Request to approve a Conditional Use Permit for approximately 2.72 acres located at 384 N Gilbert Road to allow a Tattoo Studio in the Heritage Village Center (HVC) zoning district.

Planner Josh Rogers reviewed UP19-33 Fifth Estate Tattoo request for a Conditional Use Permit. The shop has been located at Heritage Court for over 10 years and is looking to relocate the Heritage Marketplace in a 1,700 SF suite next to Clever Koi. The request is for a Conditional Use Permit to operate a tattoo studio within the Heritage Village Center (HVC) zoning district.

FINDINGS OF FACT

Four findings must be made in order to approve a Conditional Use Permit. The findings are listed below with the reasons staff considers these findings to be met.

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood or to the public in general.

Staff found no reason to believe that a tattoo studio moving to the new location would be detrimental to the area or to the public.

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council.

Staff finds that the tattoo studio conforms to the vision for the Town and the HVC in general.

3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirement.

There are certain boundary conditions for tattoo studios in the Land Development Code, as detailed in the Staff Report. Staff finds that the tattoo studio does meet all of the boundary requirements set forth in the code.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Staff finds that the tattoo studio in the new location will not interfere with the use and enjoyment of surrounding uses or people visiting the downtown.

Staff is requesting that the Redevelopment Commission recommend approval to the Planning Commission of UP19-33 Conditional Use Permit for a tattoo studio in the Heritage Village Center, subject to conditions listed in the Staff Report.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Sciacca noted that the 1,700 SF suite is within the 2.7-acre Heritage Marketplace. He asked if other tattoo parlors looking to come to the 2.7-acre site will need a conditional use permit as well, or will the 2.7-acre site now be eligible for other tattoo shops to come in.

Mr. Rogers explained that the conditional use permit would be tied to a particular suite and the applicant will be applying for some internal tenant renovations. As a condition of approval, staff has delayed the effectiveness of the use permit until we have the actual suite number. The use permit will be tied to the suite itself and not the rest of the 2.7-acre Heritage Marketplace parcel.

Commissioner Sciacca understood that use permits could have a renewal period and asked if there was a time limit set for this conditional use permit.

Mr. Rogers stated there is no set timeframe for a conditional use permit.

Commissioner Sciacca asked if the applicant were to grow their business to the point that they wanted to take on a neighboring suite, would they need to come back to this Commission or could that be done at the staff level.

Mr. Rogers stated the conditional use permit would only be tied to that 1,700 SF suite. He believed any expansion would require the applicant to come forward to change the conditional use permit. He would defer to the Town's legal department regarding that application.

Attorney Baird will need to look into the requirements for such an application.

Chair Hudgins noted that Fifth Estate Tattoo has been a good neighbor and he saw no major changes to the building. He was in favor of approving the use permit.

Chair Hudgins advised that three cards were submitted in favor of the project and asked if any members of the public wished to speak on UP19-33, Fifth Estate Tattoo, request for a Conditional Use Permit. There were no requests to speak.

Chair Hudgins invited the applicant to speak.

Taylor Tissel(sp?), on behalf of the applicant, stated Fifth Estate Tattoo has been in Gilbert for 10 years. He thanked the Town for the opportunity to move to a new location and hopefully expand the business.

With no further comments from the public or the Commission, Chair Hudgins closed the Public Hearing and called for a motion.

MOTION: Commissioner Sciacca moved to make the findings of fact and recommend approval to the Planning Commission for UP19-33, a Conditional Use Permit to allow a tattoo studio in the Heritage Village Center (HVC) zoning district, in the Heritage Marketplace at 384 N. Gilbert Rd, subject to conditions in the Staff Report; seconded by Commissioner Bigelow. **Motion passed 3-0.**

COMMUNICATIONS

3. **Report from CHAIR on current or future events.** There was no report.
4. **Report from COUNCIL LIAISON on current or future events.** Councilmember Anderson was not in attendance at the meeting.
5. **Report from COMMISSIONERS on current or future events.** There were no reports.
6. **Report from STAFF LIAISON on current or future events.** Amanda Elliott advised that staff continues the efforts to move towards a more visual format for the Design Guidelines. Staff is working with a local architecture firm on the scope of work. The new standard for the Design Guidelines will be revisited with all of our stakeholder groups and technical committee. She will keep the Commission advised of those meeting dates.

ADJOURN

With no further business before the Commission, Chair Hudgins adjourned the meeting at 6:44 p.m.

Tyler Hudgins, Chair